



NEWS

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JULY 17, 2000

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#00-87 Cornette v. Department of Transportation, S089010. (B125741; 80 Cal.App.4th 1239.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case concerns whether all issues concerning the applicability of governmental design immunity, including the existence of changed circumstances, present legal questions for resolution by the court or whether some present questions for the jury. (Gov. Code, § 830.6.)

#00-88 Draper v. Aceto, S088872. (G022560.) Unpublished opinion. Petition for review after the Court of Appeal affirmed an order in a civil case. This case concerns whether an attorney, who has pursued a claim against a third party on behalf of an injured worker, may recover fees pursuant to Labor Code section 3860, subdivision (e), when the settlement with the third party does not exceed the amount of the employer's liens and the worker ultimately does not receive any of the proceeds of the settlement.

#00-89 People v. Montalvo, S088093. (B127941.) Unpublished opinion. Petition for review after the Court of Appeal modified and affirmed judgments of

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conviction of a criminal offense. The court ordered briefing deferred pending decision in People v. Metters, S069442 (#98-70), and People v. Cleveland, S078537 (#99-94), which concern whether a juror may be properly removed for refusing to deliberate and follow the law.

#00-90 People v. Masloski, S088091. (B134820.) Unpublished opinion. Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case includes the issue of whether the trial court had and properly exercised the authority to condition its approval of a plea bargain which set forth a specified sentence upon the defendant's agreement that a greater sentence than that set forth in the plea bargain might be imposed in the event the defendant failed to appear for sentencing.

#00-91 People v. Sanchez, S088025. (E022834.) Unpublished opinion. Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case concerns whether two codefendants, who were involved in a gun battle with one another, may both be convicted of the first degree murder of an innocent bystander who was killed by a single bullet fired during the gun battle.

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